IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1196 OF 1976

M/s. Jitendra & Co. .. Plaintiffs.

vs.

Shree Ram Mills Ltd., .. Defendnts.

None for plaintiffs.

Mr. Anil Jariyal i/by Mulla & Mulla

for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 17th March, 2006.

P.C.:

. The matter was on Board on the last occasion and pursuant thereto the defendant has given a notice to the plaintiffs advocate. However, by letter dated 16.3.2006 addressed by the defendant's advocate to the plaintiffs advocate it has been mentioned that the plaintiffs are not giving instructions to the plaintiffs advocate and, therefore, the advocate for the plaintiffs is unable to prosecute the matter further. The letter dated 16.3.2006 is taken on record. In view of the fact that the plaintiffs are not giving instructions to

their advocates the suit is dismissed for non-prosecution.

2. In view of the disposal of the suit the learned counsel appearing for the defendants seeks leave to withdraw the counter claim. Counter claim is permitted to be withdrawn. Accordingly refund of court fee as per rules.